

**ENTERED**

December 19, 2022

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

	)	
In re:	)	(Chapter 11) Subchapter V
	)	
FREE SPEECH SYSTEMS, LLC,	)	Case No. 22-60043 (CML)
	)	
Debtor.	)	
	)	

**AGREED ORDER MODIFYING THE AUTOMATIC STAY**

Upon *Jones's Emergency Motion to Modify Stay Orders* [ECF. No. 300] (the "Stay Modification Motion") filed in the above-captioned chapter 11 case (this "Chapter 11 Case") of Free Speech Systems, Inc. (the "Debtor"); and the Court having found that the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and the Sandy Hook Post-Trial Families,<sup>1</sup> the Debtor and Alexander E. Jones ("Jones" and together with the Debtor and the Sandy Hook Post-Trial Families, the "Parties") having reached the following agreement, the Parties stipulate and agree, and the Court hereby orders (the "Agreed Order") that:

1. This Agreement is contingent upon the entry of the Agreed Order and is integral to the Parties' agreement concerning the modification of the automatic stay.

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<sup>1</sup> Neil Heslin and Scarlett Lewis (the "Texas Post-Trial Plaintiffs") and David Wheeler, Francine Wheeler, Jacqueline Barden, Mark Barden, Nicole Hockley, Ian Hockley, Jennifer Hensel, Donna Soto, Carlee Soto Parisi, Carlos M. Soto, Jillian Soto-Marino, William Aldenberg, William Sherlach and Robert Parker (the "Connecticut Plaintiffs") and, together with the Texas Post-Trial Plaintiffs, the "Sandy Hook Post-Trial Families"). Actions filed by Leonard Pozner, Veronique De La Rosa and Marcel Fontaine (the "Texas Pre-Trial Plaintiffs") and, together with the Texas Post-Trial Plaintiffs, the "Texas Plaintiffs") have not yet been tried. For ease of reference, this Agreed Order refers to all of the Texas Plaintiffs and Connecticut Plaintiffs together as the "Sandy Hook Families."

2. This Agreement does not alter the terms of the *Agreed Order Modifying the Automatic Stay to Allow the Connecticut Litigation to Continue to Final Judgment* [ECF. No. 117], except as such terms are specifically implicated herein.

3. Jones agrees to withdraw the Stay Modification Motion.

4. The automatic stay under section 362(a) of title 11 of the United States Code (the “Bankruptcy Code”) is modified immediately to (i) allow the Sandy Hook Post-Trial Families’ Cases<sup>2</sup> to continue to proceed to entry of final judgment and (ii) once judgments are entered, to allow appeals, if any, to proceed and the Sandy Hook Post-Trial Families to pursue, respond to and participate in any such appeals without further order of the Court.

5. Except to assert actions or claims against the Debtor in this Chapter 11 Case, Jones’s chapter 11 case<sup>3</sup> or related proceedings, the automatic stay shall continue to enjoin the Sandy Hook Post-Trial Families and any other party, from exercising against the Debtor any remedies to collect or enforce any judgment against any assets of the Debtor or its bankruptcy estate including all property of the estate.

6. Notwithstanding any prior agreements between or among the Parties, the Sandy Hook Post-Trial Families agree not to object to the joint retention by the Debtor and Jones of appellate counsel<sup>4</sup> in connection with appellate proceedings in the Sandy Hook Post-Trial Families’ Cases (the “Joint Appellate Counsel”), with the reasonable and documented fees and expenses incurred by Joint Appellate Counsel to be shared equally by the Debtor and Jones;

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<sup>2</sup> The “Sandy Hook Post-Trial Families’ Cases” means the following cases pending against the Debtor and Jones: (i) *Neil Heslin and Scarlett Lewis v. Alex E. Jones and Free Speech Systems, LLC*, Cause No. D-1-GN-18-001835, in the 261st District Court of Travis County, Texas; and (ii) *Erica Lafferty, et al. v. Alex Jones, et al.*, Case No. UWY-CV18-6046436-S; *Sherlach v. Jones*, No. UWY-CV18-6046437-S; and *Sherlach v. Jones*, No. UWYCV18- 6046438-S, in the Superior Court, Complex Litigation Docket at Waterbury, Connecticut.

<sup>3</sup> Case No. No. 22-33553 (the “Jones Chapter 11 Case”).

<sup>4</sup> To the extent separate appellate counsel is needed for Texas and Connecticut appellate proceedings, the Debtor and Jones shall seek same.

*provided* that such retention shall be approved by the Court and otherwise comply with Bankruptcy Code section 327 and all other applicable standards or be subject to a cap to be agreed upon by the Sandy Hook Families and the Official Committee of Unsecured Creditors appointed in the Jones Chapter 11 Case (the “UCC”); *provided further* that if approved by the Court and absent consent by the Sandy Hook Families and the UCC regarding any cap, Joint Appellate Counsel shall be required to file fee applications pursuant to Bankruptcy Code sections 327, 330 and 331, Rule 2016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Rule 2016-1 of the Bankruptcy Local Rules for the Southern District of Texas and any order setting forth procedures for interim compensation and reimbursement of expenses for professionals in this Chapter 11 Case including, but not limited to, the *Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Retained Professionals* [ECF No. 202].

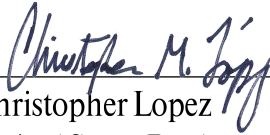
7. For the avoidance of doubt, the Debtor and Jones shall be required to file and obtain approval by this Court of a retention application for the Joint Appellate Counsel on notice to all parties in interest in each of the Jones Chapter 11 Case and this Chapter 11 Case, and the Sandy Hook Post-Trial Families retain the right to evaluate and object to, if necessary, the terms of such retention to the extent they do not comply with applicable legal standards. For the further avoidance of doubt, the Sandy Hook Post-Trial Families reserve the right to evaluate and object to, if necessary, any and all fee applications filed by Joint Appellate Counsel and all other estate compensated professionals to the extent such fees do not comply with applicable legal standards.

8. Notwithstanding Bankruptcy Rule 4001(a)(3), this Agreed Order shall be effective immediately upon entry of it by the Court.

9. The Court shall retain sole and exclusive jurisdiction with respect to the automatic stay and its application to any actions other than those expressly provided for in this Agreed Order

and any disputes arising in respect of termination of the lifting of the stay by failure to meet a necessary condition of the agreement reached between the Parties and approved herein.

Signed: December 19, 2022

  
\_\_\_\_\_  
Christopher Lopez  
United States Bankruptcy Judge

**AGREED IN FORM AND SUBSTANCE:**

**Free Speech Systems, LLC**

By: /s/ Raymond W. Battaglia  
Raymond W. Battaglia  
Law Offices of Ray Battaglia, PLLC

*Counsel to the Debtor*

**Alexander E. Jones**

By: /s/ Vickie L. Driver  
Vickie L. Driver  
Crowe & Dunlevy PC

*Proposed Counsel to Alexander E. Jones*

**The Sandy Hook Post-Trial Families**

By: /s/ David Zensky  
David Zensky  
Akin Gump Strauss Hauer & Feld LLP

*Co-Counsel to the Sandy Hook Post-Trial Families*

United States Bankruptcy Court  
Southern District of Texas

In re:  
Free Speech Systems LLC  
Debtor

Case No. 22-60043-cml  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0541-4

User: ADIuser

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Date Rcvd: Dec 19, 2022

Form ID: pdf002

Total Noticed: 16

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
^	Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 21, 2022:**

Recip ID	Recipient Name and Address
db	+ Free Speech Systems LLC, 3019 Alvin Devane Blvd. STE 300, Austin, TX 78741-7417
aty	Kyung Shik Lee, Shannon & Lee LLP, Pennzoil Place-Suite 1300, HOUSTON, TX 77027, UNITED STATES
aty	+ Shannon & Lee LLP, 700 Milam Street, STE 1300, Houston, TX 77002-2736
intp	+ Alex E Jones, c/o Jordan & Ortiz PC, 500 N Shoreline Blvd, Ste 900, Corpus Christi, TX 78401-0658
cr	+ David Wheeler, et al., c/o Cain & Skarnulis PLLC, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
cr	#+ Leonard Pozner, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin Street, Suite 2700 Houston, TX 77002-6774
cr	#+ Marcel Fontaine, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin, Suite 2700 Houston, TX 77002-6774
cr	#+ Neil Heslin, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin Street, Suite 2700 Houston, TX 77002-6774
cr	+ Reeves Law, PLLC, 702 Rio Grande St., Ste. 203, Austin, TX 78701-2720
cr	#+ Scarlett Lewis, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin Street, Suite 2700 Houston, TX 77002-6774
cr	+ Security Bank of Crawford, P.O. BOx 90, Crawford, Tx 76638-0090
cr	+ Travis County, c/o Jason A. Starks, P.O. Box 1748, Austin, TX 78767-1748
cr	#+ Veronique De La Rosa, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin Street, Suite 2700 Houston, TX 77002-6774

TOTAL: 13

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: acg.acg.ebn@aisinfo.com	Dec 19 2022 20:22:32	Ally Bank, c/o AIS Portfolio Services, LLC, 4515 N Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
cr	+ Email/Text: lemaster@slollp.com	Dec 19 2022 20:19:00	PQPR Holdings Limited, LLC, c/o Streusand Landon Ozburn & Lemmon LLP, attn: Stephen Lemmon, 1801 S. Mopac Expressway, Suite 320, Austin, TX 78746-9817
cr	^ MEBN	Dec 19 2022 20:16:31	Texas Comptroller of Public Accounts, Revenue Acco, Christopher J. Dylla, P.O. Box 12548, Austin, TX 78711-2548

TOTAL: 3

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		ADP TotalSource, Inc.
intp		David Ross Jones
op		Marc Schwartz
op		Marc Schwartz
op		Schwartz Associates, LLC
op		Schwartz and Associates, LLC

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intp Shelby A Jordan  
op W. Marc Schwartz

TOTAL: 8 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

**I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 21, 2022 Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

**The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 19, 2022 at the address(es) listed below:**

Name	Email Address
Avi Moshenberg	on behalf of Creditor Neil Heslin avi.moshenberg@mhllp.com patricia.flores@mhllp.com
Avi Moshenberg	on behalf of Creditor Scarlett Lewis avi.moshenberg@mhllp.com patricia.flores@mhllp.com
Avi Moshenberg	on behalf of Plaintiff Neil Heslin avi.moshenberg@mhllp.com patricia.flores@mhllp.com
Avi Moshenberg	on behalf of Plaintiff Scarlett Lewis avi.moshenberg@mhllp.com patricia.flores@mhllp.com
Avi Moshenberg	on behalf of Plaintiff Leonard Pozner avi.moshenberg@mhllp.com patricia.flores@mhllp.com
Avi Moshenberg	on behalf of Creditor Leonard Pozner avi.moshenberg@mhllp.com patricia.flores@mhllp.com
Avi Moshenberg	on behalf of Creditor Marcel Fontaine avi.moshenberg@mhllp.com patricia.flores@mhllp.com
Avi Moshenberg	on behalf of Plaintiff Veronique De La Rosa avi.moshenberg@mhllp.com patricia.flores@mhllp.com
Avi Moshenberg	on behalf of Creditor Veronique De La Rosa avi.moshenberg@mhllp.com patricia.flores@mhllp.com
Avi Moshenberg	on behalf of Plaintiff Marcel Fontaine avi.moshenberg@mhllp.com patricia.flores@mhllp.com
Bradley J. Reeves	on behalf of Creditor Reeves Law PLLC bradley.reeves@pillsburylaw.com
Christina Walton Stephenson	on behalf of Debtor Free Speech Systems LLC Crissie.Stephenson@crowedunlevy.com elisa.weaver@crowedunlevy.com;ecf@crowedunlevy.com
Christina Walton Stephenson	on behalf of Interested Party Alex E Jones Crissie.Stephenson@crowedunlevy.com elisa.weaver@crowedunlevy.com;ecf@crowedunlevy.com
Christopher Dylla	on behalf of Creditor Texas Comptroller of Public Accounts Revenue Accounting Division bk-cdylla@oag.texas.gov, Sherri.Simpson@oag.texas.gov
Elizabeth Carol Freeman	on behalf of Trustee Melissa A Haselden liz@lizfreemanlaw.com kgradney@jw.com;dtrevino@jw.com;jpupo@jw.com;JacksonWalkerLLP@jubileeBK.net

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Federico Andino Reynal	on behalf of Defendant Alex E. Jones areynal@frlaw.us
Federico Andino Reynal	on behalf of Defendant AEJ HOLDINGS LLC areynal@frlaw.us
Federico Andino Reynal	on behalf of Defendant AEJ TRUST 2018 areynal@frlaw.us
Federico Andino Reynal	on behalf of Defendant Free Speech Systems LLC areynal@frlaw.us
Ha Minh Nguyen	on behalf of U.S. Trustee US Trustee ha.nguyen@usdoj.gov
Jarrold B. Martin	on behalf of Creditor Marcel Fontaine jarrod.martin@chamberlainlaw.com Lara.Coleman@chamberlainlaw.com;atty_jmartin@bluestylus.com;ginger.davis@chamberlainlaw.com
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Jason Starks	on behalf of Creditor Travis County bkecf@traviscountytexas.gov
Jayson B. Ruff	on behalf of U.S. Trustee US Trustee jayson.b.ruff@usdoj.gov
John D Malone	on behalf of Creditor Security Bank of Crawford myra@johnmalonepc.com myra@johnmalonepc.com
Joseph S.U. Bodoff	on behalf of Creditor ADP TotalSource Inc. jbodoff@rubinrudman.com
Kyung Shik Lee	on behalf of Debtor Free Speech Systems LLC kslee50@gmail.com Courtnotices@kasowitz.com
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Marty L Brimmage	on behalf of Creditor Scarlett Lewis mbrimmage@akingump.com lmonreal@akingump.com;bkemp@akingump.com;apraestholm@akingump.com
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Marty L Brimmage	on behalf of Creditor Neil Heslin mbrimmage@akingump.com

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Shelby A Jordan

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Stephen Wayne Lemmon

on behalf of Defendant PLJR HOLDINGS LIMITED LLC lemmon@slollp.com, mates@slollp.com



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US Trustee

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Vickie L Driver

on behalf of Interested Party Alex E Jones Vickie.Driver@crowedunlevy.com  
elisa.weaver@crowedunlevy.com;ecf@crowedunlevy.com

TOTAL: 68